Setting up of Human Rights Commission

*263. SHRI PRAMOD MAHAJANt :
SHRI VIREN J. SHAH :

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the names of Asian and African countries which have set up their own human rights commissions and how many of them have been recognized by the Human Rights Organization;

(b) whether Government are also considering to set up a human rights commission to monitor violation of civil liberties in the country;

(c) if so, by when it will be set up; and

(d) what will be the status of the commission?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI EDUARDO FALEIRO) : (a) According to information availabl with the UN Centre for human rights, the Asian and African countries where national commissions for Human Rights and similar institutions have been set up include Benin, Morocco, Uganda, Philipines, Senegal, Togo and Tunisia. In the Asia-Pacific region, Australia and New Zealand have set up similar institution. At present there is no provision for recognition of such organizations by the UN Centre for human rights.

(b) to (d) The question of setting up a human rights commission in India is under examination of the Government.

श्री प्रमोद महाजन : सभापति जी, हमारे देश में ढेर सारे निजी मानवाधिकार संगठन काम करते हैं। ये संगठन देश के संवेदनाक्षम क्षेत्र में जाते हैं। जांच-पड़ताल करते हैं, उसकी रिपोर्ट प्रकाशित होती है जिसे विश्व स्तर पर व्यापक प्रसिद्धि मिलती है। बहुत बार यह देखा गया है कि इन संगठनों की रिपोर्ट में छपी जानकारी तथ्यों के आधार पर नहीं होती - हमारे समाज, सेना, सरकार, सबको बदनाम करने वाली ये रिपोर्टें होती हैं। इस पृष्ठभूमि में जब हम संयुक्त राष्ट्र संघ मानवाधिकार चार्टर के हस्ताक्षरी हैं, मानवाधिकार का गठन करके हम अधिकृत रूप से बच सकते हैं। अब सरकार अपने उत्तर में कहती है कि वह जांच-पड़ताल कर रही है। मैं यह जानना चाहूंगा कि सरकार की यह जांच-पड़ताल किन मुद्दों पर हो रही है, किस स्तर पर हो रही है, कब से हो रही है और कब तक समाप्त होगी?

The question was actually asked on the floor of the House by Shri Pramdd Mahajan

SHRI EDUARDO FALEIRO : Sir, may I respectfully submit that I will have a problem in replying to this particular supplementary because the question of setting up of human rights commission is not dealt with by the External Affairs Ministry? That is dealt with by the Ministry of Home Affairs and the Home Minister has very kindly been replying to this question from time to time. Now, this question... *(Interruption)*...

. SHRI PRAMOD MAHAJAN : He can answer.

MR. CHAIRMAN : He is referring to its remifications in the External Affairs Ministry, the adverse foreign publicity against India by various organisation. So, in order to check them, will the External Affairs Ministry look into this and talk, if necessary, with the Home Minister?

SHRI EDUARDO FALEIRO: Definitely we will do. Sir. I would like to add here that it is true that a lot of adverse publicity against us—a misconceived and not-based-on facts adverse publicity against us—has been given in the international media and international fora. We have been consistently challenging and setting the record straight. May I respectfully submit that over the last few months or may be a year we have succeeded in a substantial measure in setting the record right?

श्री प्रमोद महाजन : सभापति जी, मेरी प्रार्थना यह होगी कि इस प्रश्न....

श्री सभापति: आप दूसरा सवाल कर लो।

श्री प्रमोद महाजन: विदेश मंत्रालय अगर उत्तर ही नहीं दे सकता तो होम मिनिस्ट्री को ट्रांसफर करिए।

SHRI KAMAL MORARKA: Then, he should transfer it to the Home Ministry.

श्री वीरेन जे० शाह: यह दोनों का प्रश्न है, इस पर बात होनी चाहिए।

श्री सभापति: यह दोनों से संबंधित है इसलिए मैंने... **(व्यवधान)**

श्री वीरेन जे० शाह: हां, तो Sir, the Government is one. It should be replied satisfactorily.

श्री सभापति: आप प्रश्न कीजिए।

श्री प्रमोद महाजन: मैंने प्रश्न किया है।

श्री सभापति: उसका उन्होंने जवाब दिया है।

श्री प्रमोद महाजन: क्या दिया है?

श्री सभापति: जवाब दिया है कि उस पर विचार कर रहे हैं।

श्री प्रमोद महाजन: मैंने वही कहा...**(व्यवधान)** जब जांच-पड़ताल हो रही है तो किन मुद्दों पर हो रही है,... **(व्यवधान)** कब से हो रही है... **(व्यवधान)** मंत्री जी यह कहें कि मैं जांच-पड़ताल कर रहा हूं, आप बैठ जाइये। ...**(व्यवधान)** या तो आप इसको अगली बार रखिए।

श्री सभापति: यह पूरा प्रश्न विचाराधीन है। **(व्यवधान)**

Now you put your second question.

आप सप्लीमेंटरी पूछ लीजिए, दूसरा पूछिए।...**(व्यवधान)** जब आपका मान लिया उन्होंने तो अब झगड़े की कोई बात नहीं है। ...**(व्यवधान)**

श्री प्रमोद महाजन: नहीं, अगर आप चाहते हैं...

श्री सभापति: आप दूसरा कर लीजिए। आपकी बात का जो मतलब था पूरा समझ गए हैं, आप भी समझ गए हैं। अब आप दूसरा कर लीजिए।

श्री प्रमोद महाजन: सभापति जी, मुझे पता नहीं है, मैं जो दूसरा पूरक प्रश्न पूछ रहा हूं उसका भी वह किस प्रकार का उत्तर दे दें यह सरकार को समझ होगी...**(व्यवधान)**

श्री सभापति: वह विदेश मंत्रालय से संबंधित हो। विदेश मंत्रालय से अगर उसका संबंध जोड़ सकें तो ठीक है, तो फिर अगला दूसरा सवाल...**(व्यवधान)**

श्री प्रमोद महाजन: मैं पूछ रहा हूं। मैं पूरक यह पूछना चाहूंगा...**(व्यवधान)**

SHRI SUBRAMANIAN SWAMY: ...to the Home Minister. *(Interruptions).*

MR. CHAIRMAN: Another question will have to be put to the Home Minister. *(Interruptions)*

SHRI VIREN J. SHAH: Sir, we agree with Mr. Subramanian Swamy that it should go to the Home Ministry and the Home Minister should reply. Sir, it is only a submission. *(Interruptions)*

It relates to the Home Ministry. They should have transferred it. *(Interruptions)*

MR. CHAIRMAN: The question is not changed. You have put it to the External Affairs Minister. He is replying. How can you ask at the last minute? *(Interruptions)*

श्री प्रमोद महाजन: सभापति जी, मैं दूसरा पूरक प्रश्न यह पूछना चाहूंगा कि मानवाधिकार आयोग की स्थापना के लिए स्वाभाविक रूप से सभी दलों में आम सहमति होना आवश्यक होगा और उसी प्रकार से राज्यों की भी इसको मान्यता लेनी होगी, तो क्या इस दशा में सरकार मानवाधिकार आयोग की स्थापना के लिए सभी दलों के नेताओं तथा मुख्य मंत्रियों की बैठक बुलाकर तुरन्त निर्णय लेगी?

SHRI EDUARDO FALEIRO: As I have said...

श्री सभापति: आप इसको होम मिनिस्ट्री भेजिए।

SHRI EDUARDO FALEIRO: I will pass it on respectfully to the concerned Ministry.

SHRI VIREN J. SHAH: Sir, the context of this question is that during the last 20 to 30 years, many times, many instances have come before both the Houses when ordinary people have been brutally tortured or alleged to have been tortured. It happens in two sectors. The society as such might do it or the instruments of State like police and others. We have cases where a number of innocent persons are harassed and brutalised by the police. In that context, as mentioned by my hon. colleague, it is essential to clear the good name of India that this organisation on human rights should be set up. Now the hon. Minister has said in his reply the question of setting up a Human Rights Commission in India is under examination of the Government. Sir, the question is of time-frame. The Congress manifesto says that this would be achieved within one year of assuming power. May I know from the hon. Minister whether his assurance of setting up of a Human Rights Organisation or Human Rights Commission would be fulfilled within one year of assuming power or there is uncertainty about time-frame?

SHRI EDUARDO FALEIRO: All I can say is that, it is true that this provision is there in the manifesto of the Congress party. Now, as the Chair has already pointed out, I am unable to . . .

SHRI VIREN J. SHAH: Would you transfer it to the Home Ministry?

SHRI EDUARDO FALEIRO: Of Course.

SHRI VIREN J. SHAH: Because it is part of the manifesto . . .*(Interruptions).* The Home Minister is replying.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): In fact, the Government is very keen to set up this Human Rights Commission. The only point under the consideration of the Government is, whether it should be a voluntary body or a Government sponsored body. It is under the consideration of the Government. We will soon take a decision about it. There is no harm in calling a meeting of all the Chief Ministers and' also leaders of different parties . . . *(Interruptions)* . . .

SHRI VIREN J. SHAH: Would you do it within the one-year time-frame? . . . *(Interruptions)* . . .

SHRI S.B. CHAVAN: We will try our best to see that we stick to the timeframe . . . *(Interruptions)* ....

श्री प्रमोद महाजन : यदि बार-बार कांग्रेस मेनिफेस्टो का नाम निकालोगे तो मेनिफेस्टो बेन हो जायेगा . . . . **(व्यवधान)**

डा॰ अबरार अहमद : माननीय सभापति महोदय, मैं माननीय मंत्री जी से यह जानना चाहता हूं कि विभिन्न मानव अधिकार संगठन जो विदेशों से आकर हमारे देश में कार्य करते हैं और विदेशों के अखबारों में जो भ्रमित करने वाले समाचार छपते हैं और हर जगह हमारे दूतावास हैं, जो माननीय विदेश मंत्री जी, क्या यह बतायेंगे कि वहां जो लोगों को भ्रमित करने वाली और गलत तथ्यों के आधार पर सूचनाएं छपती हैं, तो क्या उनको हमारे, दूतावासों के माध्यम से सही ढंग से प्रस्तुत करने या सही रूप में वहां छपवाने की कोई व्यवस्था है? अब नवम्बर में मैं यू॰एन॰डेलीगेशन के अंदर अमेरिका गया हुआ था, तो वहां न्यूयार्क टाइम्स में कश्मीर के बारे में एक समाचार मैंने स्वयं पढ़ा और वह बिल्कुल तथ्यों से परे था . . . . **(व्यवधान)** एडवरटाईजमेंट के रूप में। तो इस प्रकार के समाचार जो विदेशों में तथ्यों से परे और गलत होते हैं, हमारे दूतावासों के माध्यम से किस प्रकार से वहां सही विचार-धारा बनाने के लिये तुरन्त प्रचारित किये जायेंगे?

मेरा पार्ट-बी, माननीय सभापति महोदय, हमारा देश मानव अधिकारों के प्रति बहुत सजग है और विश्व में कहीं भी मानव अधिकार हनन की बात कहीं उठती है तो हमारा देश सबसे पहले आवाज उठाता है। फिजी के अंदर भारतीय मूल के निवासियों के खिलाफ जो भी वहां कार्यवाही हो रही है, उसमें हमारा देश और विदेश मंत्रालय क्या कदम उठा रहा है? धन्यवाद।

SHRI EDUARDO FALEIRO: Sir, it is true that a mischievous campaign of falsehood against our human rights record has to be countered and it is being countered. Our missions abroad do have instructions to counter these. They have been able to do these rather successfully, I may say, and we shall further, in view of the points raised by the Member and other Members, reiterate these instructions to our missions.

MR. CHAIRMAN: He is talking about infringement of human rights in Fiji... *(Interruptions)...*

SHRI EDUARDO FALEIRO: We are taking up this issue at every session of the General Assembly. We are also taking this up in the Commonwealth forum and other international forums.... *(Interruptions)...*

SHRI S. JAIPAL REDDY: Sir, at the very outset I think there is an imperative need to set right the record of human rights organisations in our country. There are many human rights organisations in India led by eminent jurists and these organisations are a legitimate source of pride and glory and they are the salt of our democracy. I do not think that Member and the Government should conspire to condemn these organisations and I would like to make it very clear that we distance ourselves from this process.

MR. CHAIRMAN: Now, you put your question... *(Interruptions)...*

SHRI SURESH KALMADI: Is this his question. Sir?... *(Interruptions)...*

SHRI MURLIDHAR CHANDRAKANT BHAND ARE: What is this, Sir... *(Interruptions)...*

SHRI S. JAIPAL REDDY: No, my question is... *(Interruptions)...*

MR. CHAIRMAN: Please come to your question... *(Interruptions)...*

SHRI S. JAIPAL REDDY: My question flows from this formulation of mine. The Home Minister has stated that Government is considering whether to draw upon the voluntary organisations or set up a human rights commission. So, I would like to know from the Government whether it would consider drawing upon the judicial expertise of some of these organisations for this purpose... *(Interruptions)...*

SHRI S. B. CHAVAN: May I

intervene, Sir. There is no doubt that there are some human rights organisations existing in India. Unfortunately, for us there are some human rights organisations which are politically motivated and they have been giving a totally distorted picture of what is happening in India... *(Interruptions)...*

SHRI S. JAIPAL REDDY : Sir, the Home Minister is misleading the country... *(Interruptions)...* You name the organisation. Are you talking of Mr. Tarkunde? Are you talking of Mr. Rajendra Sachar?

SHRI S. B. CHAVAN: It is not your opinion. Ultimately, it is the judgement of the Government... *(Interruptions)...*

SHRI M. S. GURUPADASWAMY: Can you name them?... *(Interruptions)...*

SHRI S. JAIPAL REDDY: Mr. Chairman, Sir, the Congress (I) and the BJP are expressing the same viewpoint... *(Interruptions)...*

SHRI M. S. GURUPADASWAMY: I want to know which are the organisations that are politically motivated. Let him name them... *(Interruptions)...*

SHRI S. JAIPAL REDDY: In a democracy...

SHRI S. B. CHAVAN: I don't think that by merely shouting loudly, you can make your point. That is not correct. Actually, the source of information for Amnesty International is also these Human Rights Organisations which are working in India and I am very sorry to say this that in spite of the fact that all the paraphernalia existing here we have a vibrant. Press; we have the Parliament; we have the Assemblies and the Judiciary — when the reports are being submitted by an international body as if it is the law of the jungle which is prevailing in India, *V* don't think that any other inference can be drawn.

MR. CHAIRMAN: Shri M. C. Bhandare... *(Interruptions)...*

SHRI S. JAIPAL REDDY: No. He should name the organisation.

MR. CHAIRMAN: The question is not extended to that Ministry. I only permitted this. That was enough.

The question was actually asked on the floor of the House by Shri Tindiranam G. Venkataraman.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Sir, undoubtedly, Human Rights is going to have a bigger and bigger say in all international affairs. We have a proud record. We have a Constitution which guarantees fundamental rights and freedoms. We have a Judiciary. We have the Parliament. We have the Press as well as the voluntary agencies. Now, there is one more thing which we, the Members of Parliament, .must fulfil. In USA, the Committees on Foreign Relations Affairs of the Senate and the House of Representatives, look after the matters connected with the Human Rights. In U.K., the House of Commons has a select Committee on Home Affairs and Foreign Affairs *inter alia* to deal with the violation of human rights. Now, such a Parliamentary forum is absolutely necessary in our country to project correctly the growth, the protection and the promotion of human rights in our country. I, therefore, ask the hon. Minister whether he would take a leading part and take some steps in this direction of having a Parliamentary forum for the enforcement and the promotion of human rights in our country?

MR. CHAIRMAN: And by representing properly in the foreign countries.

SHRI EDUARDO FALEIRO: The hon. Member wants a forum for Parliamentarians. I will definitely take up the matter with you, Mr. Chairman.

Trail of Mr. Prabhakaran, Prime Accused in Rajiv Gandhi Murder Case

@264. SHRI SUBRAMANIAN SWAMY: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Government has approached Sri Lankan Government to bring to India for trial, Mr. Prabhakaran, the prime accused in Rajiv Gandhi murder case, on extradition basis or otherwise;

(b) if so, what is the outcome; and

(c) if not, the reason therefor?